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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,577	07/23/2003	Nayan Dalal	TRADE 3.0-001	7729
EZRA SUTTON, PA PLAZA 9 900 ROUTE 9 WOODBIDGE, NJ 07095			EXAMINER NGUYEN, SON T	
			ART UNIT	PAPER NUMBER
			3643	

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/625,577	Applicant(s) DALAL ET AL.	
	Examiner Son T. Nguyen	Art Unit 3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on 7/26/02. It is noted, however, that applicant has not filed a certified copy of the JP 2002-218020 application as required by 35 U.S.C. 119(b).
2. Receipt is acknowledged of papers filed under 35 U.S.C. 119 (a)-(d) based on an application filed in Japan on 7/26/02. Applicant has not complied with the requirements of 37 CFR 1.63(c), since the oath, declaration or application data sheet does not acknowledge the filing of any foreign application. A new oath, declaration or application data sheet is required in the body of which the present application should be identified by application number and filing date.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-11** are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5765502 (herein 502) in view of US 6574810 (herein 810).

For claim 1, 502 discloses a bolstered pet bed, comprising: an outer covering 2 having first 10 and second 11 interior compartments; an integrated removable cushion having a bottom cushion 4 and a side cushion 6 integrally connected to each other by cover 2, said bottom cushion being in said first compartment and said side cushion

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being in said second compartment; strap means 8,9 for enclosing said second interior compartment around said side cushion, said strap means including a plurality of spaced-apart straps; and closure means 7 for opening and closing said first interior compartment. However, 502 is silent about the bottom cushion and the side cushion integrally connected to each other by a strip of material, said strip of material extending between and connected to said bottom cushion and said side cushion, said strip of material having a plurality of spaced-apart passageways, said strap means including a plurality of spaced-apart straps extending through said plurality of spaced-apart passageways.

810 teaches a bolstered pet bed wherein the bottom cushion 18 and the side cushion 26a-d integrally connected to each other by a strip of material 27a-d, said strip of material extending between and connected to said bottom cushion and said side cushion, said strip of material having a plurality of spaced-apart passageways (see fig. 9). It would have been an obvious substitution of functional equivalent to substitute the connection method (i.e. friction when placed in cover 2) of 502 with the bottom cushion 18 and the side cushion 26a-d integrally connected to each other by a strip of material 27a-d, said strip of material extending between and connected to said bottom cushion and said side cushion, said strip of material having a plurality of spaced-apart passageways, since both types of connection method would perform the same function to connect two elements together. The combination of 502 as modified by 810 teaches said strap means including a plurality of spaced-apart straps extending through said plurality of spaced-apart passageways due to the already existing strap configuration of

502, thus, when modified with 810's strips of material, the straps will be extending through the passageways.

For claim 2,) it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the strip of material of 502 as modified by 810 be made out of canvas tape, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious choice. In addition, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ at least four spaced-apart strip sections in the bed of 502 as modified by 810, depending on how secure one wishes to connect the bottom cushion with the side cushion.

For claim 3, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have each of said strip sections has a length of 9 inches and a width of 1.5 inches in the bed of 502 as modified by 810, since it has been held that where routine testing and general experimental conditions are present, discovering the optimum or workable ranges until the desired effect is achieved involves only routine skill in the art.

For claim 4, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have plurality of passageways includes at least three spaced-apart passageways between said four strip sections, each of said spaced-apart passageways has a length of 2 inches and a width of 1.5 inches in the bed of 502 as modified by 810, since it has been held that where routine testing and general

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experimental conditions are present, discovering the optimum or workable ranges until the desired effect is achieved involves only routine skill in the art.

For claim 5, 502 as modified by 810 (emphasis on 502) further teaches wherein said side cushion is semi-circular in shape. However, 502 as modified by 810 is silent about the side cushion having a length of 66 inches and a maximum width of 10.5 inches. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the side cushion having a length of 66 inches and a maximum width of 10.5 inches in the bed of 502 as modified by 810, since it has been held that where routine testing and general experimental conditions are present, discovering the optimum or workable ranges until the desired effect is achieved involves only routine skill in the art.

For claim 6, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the bottom cushion has a diameter of 32 inches and a depth of 10 inches at the center of said bottom cushion in the bed of 502 as modified by 810, since it has been held that where routine testing and general experimental conditions are present, discovering the optimum or workable ranges until the desired effect is achieved involves only routine skill in the art.

For claim 7, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the plurality of straps include at least five straps; wherein three of said straps extend through three of said spaced-apart passageways in the bed of 502 as modified by 810, since it has been held that where routine testing and general experimental conditions are present, discovering the

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optimum or workable ranges until the desired effect is achieved involves only routine skill in the art.

For claim 8, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the length of each of said straps is 2 inches and includes snap fastening means for fastening each strap around said side cushion in the bed of 502 as modified by 810, since it has been held that where routine testing and general experimental conditions are present, discovering the optimum or workable ranges until the desired effect is achieved involves only routine skill in the art.

For claim 9, 502 as modified by 810 (emphasis on 502) further teaches wherein said snap fastening means include a male snap and a female snap (col. 2, lines 61-67).

For claim 10, 502 as modified by 810 (emphasis on 502) further teaches wherein said closure means for opening and closing said first interior compartment are selected from the group consisting of a zipper 7.

For claim 11, 502 as modified by 810 (emphasis on 502) further teaches wherein said bottom cushion and said side cushion each have a filling of polyester fiber (col. 3, line 27).

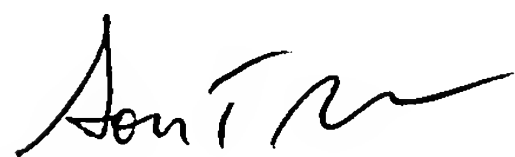
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son T. Nguyen whose telephone number is (703) 305-0765. The examiner can normally be reached on Monday - Friday from 9:00 a.m. to 5:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon, can be reached at (703) 308-2574. Any inquiry of a general nature or relating to the status of this application or proceeding should be

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directed to Customer Service at (703) 872-9325. The official fax number is 703-872-9306.

A handwritten signature in black ink, appearing to read "Son T. Nguyen", with a stylized flourish at the end.

Son T. Nguyen
Primary Examiner, GAU 3643
September 7, 2004